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November 8, 2024

**VIA ECF**

The Honorable Judge Merkl  
United States District Court  
Eastern District of New York  
225 Cadman Plaza  
Brooklyn, NY 11201

Re: FTS Capital, LLC v. Stuyvesant Construction Corp. et al  
Docket No. 19-CV-7275 (DLI) (CLP)

Dear Honorable Judge Merkl:

My office represents FTS Capital, LLC, in the above-referenced action. This letter is submitted in response to Defendant's opposition to Plaintiff's request that witnesses appear virtually. For starters, Plaintiff withdraws the request that Benjamin Verdooren appear virtually, however, Mr. Verdooren will only be available to testify on December 4, 2024.

Plaintiff's request for its second witness Yonel Devico to appear virtually remains. Plaintiff's counsel spoke with Mr. Devico advising him of the court date. Mr. Devico advised that he is a single parent currently caring for his daughter and it is extremely difficult to find care for his daughter for an extended period of time. While Defendant's counsel claims that it may only be a day or two trial, Defendant's counsel's record reflects otherwise. As seen from Defendant's counsel's prior acts in this action, nothing is ever precise and to the point. Defendant's counsel's deposition of Mr. Devico lasted nearly eight hours, and per Defendant's counsel's letter, he plans to introduce more exhibits at trial during Mr. Devico's testimony than he did at the deposition. Defendant's counsel was also admonished by Judge Irrizary for his lengthy submissions which "doesn't add meat or substance" to the allegations. Given Mr. Devico's need to be near his daughter, and Defendant's counsel's unpredictability with time for testimony, I believe extenuating circumstances exist to allow Mr. Devico to appear virtually.

Thank you for your time and attention to this matter.

Respectfully submitted,

/s/Rafi Hasbani  
Rafi Hasbani, Esq.